

## **RULE 16.01    DEFINITIONS**

- (a) "Judge" means a municipal division judge, associate circuit judge, or circuit judge presiding in a trial court proceeding, or the presiding judge or justice in an appellate proceeding.
- (b) "Judicial proceedings" or "proceedings" referred to in this Court Operating Rule No. 16 hearings, or other proceedings in a trial or appellate court for which media coverage is requested, except for those specifically excluded by this Court Operating Rule No. 16.
- (c) "Media coordinator" as referred to in this Court Operating Rule No. 16 includes the designees of each coordinator.
- (d) "Media coverage" includes broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public or for the purpose of education.

## **RULE 16.02    IN GENERAL**

Broadcasting, televising, recording, and photographing will be permitted in the courtroom under the following conditions:

- (a) Permission first shall have been expressly granted by the judge, who may prescribe such conditions of coverage as provided for in this Court Operating Rule No. 16, including the manner in which objections may be raised under Court Operating Rule No. 16.03 (c).
- (b) Media coverage of a proceeding shall not be permitted if the judge concludes that under the circumstances of the particular proceeding such coverage would materially interfere with the rights of the parties to a fair trial.
- (c) Media coverage is prohibited of any court proceeding that, under Missouri law, is required to be held in private. Further, no coverage shall be permitted in any juvenile, adoption, domestic relations, or child custody hearing. Notwithstanding the foregoing, the news media, if permitted by the judge, may record and photograph a juvenile who is being prosecuted as an adult in a criminal proceeding.
- (d) Media coverage of prospective jurors, jurors, and jury selection is prohibited.
- (e) There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-counsel, between counsel and the judge held at the bench or in chambers, or between judges in an appellate proceeding.

- (f) There shall be no focusing on nor photographing of materials on counsel tables; however, the media will be given access during periods of recess to exhibits that have been introduced and received into evidence, absent objection from counsel in the proceedings.
- (g) The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the judge within the guidelines set out in this Court Operating Rule No. 16.
- (h) Notwithstanding the provisions of any of the guidelines set out in this Court Operating Rule No. 16, the judge, upon application of the media coordinator, may permit the use of equipment or techniques at variance therewith if the application for variance is included in the advance notice of coverage. Such variances may be allowed by the judge without advance application or notice if all counsel and parties consent to it. Ruling upon any variance application shall be in the sole discretion of the judge.
- (i) If media coverage of a proceeding is granted, members of the media shall not record interviews for broadcast in the hallways immediately adjacent to the entrances to the courtroom. Photographing through the windows or open doors of the courtroom is prohibited.
- (j) The judge may, as to any or all media participants, limit or terminate photographic or electronic media coverage at any time during the proceedings if the judge finds:
  - (1) that these guidelines or rules imposed by the judge have been violated or
  - (2) that substantial rights of individual participants or rights to a fair trial may be prejudiced by such manner of coverage if it is allowed to continue.
- (k) The privilege of photographic and electronic coverage provided for by this Court Operating Rule No. 16 may be exercised only by persons or organizations that are part of the news media or educational television.
- (l) There may be media coverage of investitive or ceremonial proceedings at variance with the provisions of this Court Operating Rule No. 16 in the discretion of the presiding judge or judges.
- (m) No media coverage shall be permitted in criminal proceedings until the defendant is represented by counsel or has waived such representation.

#### **RULE 16.03 PROCEDURAL**

- (a) **Media coordinator.** Media coordinators shall be appointed by this Court from a list of nominees provided by representatives of the media. The judge and all interested members of the media shall work, whenever possible, with and through

the appropriate media coordinator regarding all arrangements for media coverage. This Court shall designate the jurisdiction of each media coordinator. In the event a media coordinator has not been nominated or is not available for a particular proceeding, the judge may appoint an individual from among local working representatives of the media to serve as the coordinator for the proceeding.

- (b) **Advance Notice of Coverage.** All requests by representatives of the news media to use photographic equipment, television cameras, or electronic sound recording equipment in the courtroom shall be made to the media coordinator in writing at least five days in advance of the scheduled proceeding. The media coordinator, in turn, shall give notice in writing of said request to counsel for all parties, parties appearing without counsel, and the judge at least four days in advance of the time the proceeding is scheduled to begin. In addition, the media coordinator shall file a copy of the notice with the clerk of the court in the county in which the proceeding is being held. These times may be extended or reduced by court order. When the proceeding is not scheduled at least five days in advance, however, the media coordinator shall give notice of the request as soon as practicable after the proceeding has been scheduled.
- (c) **Objections.** The judge shall prohibit the video recording, audio recording, and photographing of a participant in a court proceeding if the participant so requests and the participant is a victim of a crime, a police informant, an undercover agent, a relocated witness, or a juvenile. Upon the objection of a party, the objection of a participant, or on the court's own motion, and for good cause shown, the judge may prohibit any or all of the following: the visual identification, video recording, audio recording, or photographing of a participant in a court proceeding or any or all of the participant's testimony. At or before the commencement of the trial, the judge shall direct counsel to inform, and counsel shall inform, any witness that counsel will call that the witness will be subject to video recording, audio recording, and photographing unless the judge finds good cause to prohibit the video recording, audio recording, and photographing of the witness or the witness' testimony.
- (d) **Dissemination of Media Coordinator Information.** This Court shall establish a means by which the name and address of the media coordinators shall be disseminated among the judiciary, court personnel, and media.

#### **RULE 16.04 TECHNICAL**

- (a) **Equipment specifications.** Equipment to be used by the media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:
  - (1) Still cameras. Still cameras and lenses must be unobtrusive, without distracting light or sound.

- (2) Television cameras and related equipment. Television cameras are to be electronic and, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light. Television cameras are to be designed or modified so that participants in the judicial proceedings being covered are unable to determine when recording is occurring. No modifications of existing courthouse facilities or systems to effectuate this Court Operating Rule No. 16.04(a)(2) shall be required to be made at public expense.
  - (3) Audio equipment. Microphones, wiring, and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the judicial proceeding being covered. Any changes in the existing audio systems must be approved by the judge. Microphones for use of counsel and judges shall be equipped with off/on switches to facilitate compliance with Court Operating Rule No. 16.02(e). No modifications of existing courthouse facilities or systems to effectuate this Court Operating Rule No. 16.04(a)(3) shall be required to be made at public expense.
  - (4) Advance approval. It shall be the duty of media personnel to demonstrate to the judge reasonably in advance of the proceeding that the equipment sought to be utilized meets the criteria set forth in this Court Operating Rule No. 16.04. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.
- (b) **Lighting.** Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the concurrence of the judge, however, modifications may be made in light sources existing in the courtroom (e.g., higher wattage light-bulbs), provided such modifications are installed and maintained without public expense.
- (c) **Equipment and pooling.** The following limitations on the amount of equipment and number of photographic and broadcast media personnel in the courtroom shall apply:
- (1) Still photography. Not more than one still photographer, using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.
  - (2) Television. Not more than one television camera, operated by not more than one camera person, shall be permitted in the courtroom during a judicial proceeding. Where possible, recording and broadcasting equipment that is not a component part of a television camera shall be located outside of the courtroom.

- (3) **Audio.** Not more than one audio system, which does not produce distracting sound, shall be set up in the courtroom for broadcast coverage of a judicial proceeding. Audio pickup for broadcast coverage shall be accomplished from an existing audio system present in the courtroom, if such pickup would be technically suitable for broadcast. Where possible, electronic audio recording equipment and any operating personnel shall be located outside of the courtroom.
- (4) **Pooling** Pooling arrangements shall be the sole responsibility of the media coordinator, and the judge shall not be called upon to mediate any dispute as to the appropriate media representatives authorized to cover a particular judicial proceeding. Requests for copies of audio recording, video tape or photographs shall be directed to the pool representative only, who shall supply copies upon request to media representatives at a price not exceeding actual cost.
- (d) **Location of equipment and personnel.** Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas within the courtroom designated by the judge. The area or areas designated shall provide reasonable access to the proceeding to be covered.
- (e) **Movement during proceedings** Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Television tapes, still cameras and film and lenses, and audio cassettes shall not be changed within the courtroom except during a recess period. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement that attracts undue attention. Still photographers shall not assume body positions inappropriate for spectators.
- (f) **Decorum** All still photographers and broadcast media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

*(Approved for publication Aug.21,1995.)*